

JAP:AL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-10-700**

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UNITED STATES OF AMERICA

FILED UNDER SEAL

- against -

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF AN APPLICATION  
FOR ARREST WARRANT

CHARLES NAGEL,  
also known as  
"Chaz Rose,"  
"Cindy Momberger,"  
"Miranda S." and  
"Angela Paterson,"

(18 U.S.C. § 2261A)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

CARI J. ROBINS, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

On or about and between July 15, 2008, and March 24, 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant CHARLES NAGEL, also known as "Chaz Rose," "Cindy Momberger," "Miranda S." and "Angela Paterson," with the intent to harass and to cause substantial emotional distress to a person in another State, did knowingly use the mail and interactive computer services to

engage in a course of conduct that caused substantial emotional distress to that person.

(Title 18, United States Code, Section 2261A(2)).

The source of your deponent's information and the grounds for her belief are as follows:<sup>1/</sup>

1. I am a Special Agent with the FBI and have been involved in the investigation of numerous cases involving interstate stalking. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the FBI investigative file, and from reports of other law enforcement officers involved in the investigation.

2. The victim in this case is an actress who was, from 2001 until earlier in 2010, a cast member of a television program filmed in and around New York City (the "Victim" and "Program," respectively).

3. The defendant CHARLES NAGEL, also known as "Chaz Rose," "Cindy Momberger," "Miranda S." and "Angela Paterson" (the "defendant"), is a resident of Philadelphia, Pennsylvania.

4. On or about July 15, 2008, the defendant traveled from Pennsylvania to New York with his wife and two children.

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

Once in New York, on or about July 15, 2008, the defendant and his wife and two children visited a location in Manhattan where the Program was being filmed. The defendant approached the Victim at least twice on that date, and remained on the set until filming concluded. As the Victim left the set after filming had concluded, the defendant approached her a second time and asked her to pose for a picture with him and his two children. The Victim posed for the picture. She was then driven away from the set. While she was driven away, the defendant ran along the opposite side of the street, waving at the Victim.

5. In or about July 2008, the defendant, using the name "Chaz Rose," sent messages using MySpace, an interactive computer service, to a fan of the Program. In those messages, the defendant stated, in substance and in part, that the Victim had not responded to songs and letters he had written to her, that this was causing him to become angry, and that he knew where the Program was filming. This fan informed people affiliated with the Program of the messages she received from the defendant, and the Victim was made aware of these messages.

6. On or about February 23, 2009, the defendant traveled from Pennsylvania to New York with his wife and two children. The defendant visited a production office in Manhattan that is affiliated with the Program (the "Production Office"). He then visited a set in Manhattan where the Program was being

filmed. At this set, the defendant approached the victim and, in substance, told her that his name was "Chaz Rose," asked if she remembered him, and inquired about a MySpace page that, he believed, belonged to the Victim. The Victim recognized the defendant from his July 15, 2008, visit to the set and recognized "Chaz Rose" as the name of the person who, she had been informed, had posted messages about her on the Internet. The Victim expressed to a security guard that she was concerned by the defendant's presence. The security guard told the defendant, in substance and in part, not to visit the set of the Program again.

7. Later on or about February 23, 2009, the defendant called the Production Office and spoke with an employee affiliated with the Program ("Employee 1"). The defendant stated, in substance and in part, that he had visited the set of the Program earlier that day, that a security guard had spoken with him, and that he wanted to talk to the Victim and give her a compact disc containing songs he had written for her. Employee 1 informed an employee who works in corporate security for the television network that broadcasts the Program (the "Security Investigator") about this conversation. Employee 1 also later informed the Victim that the defendant had contacted the Production Office.

8. On or about February 23, 2009, the defendant again called Employee 1, who transferred the defendant to the Security

Officer. The defendant stated to the Security Investigator, in substance and in part, that his name was "Chaz Rose," that he was upset, and that he had been informed the Victim was afraid of him. The Security Officer told the defendant to stop trying to contact the Victim.

9. In or about April 2009, the defendant sent a seven-page, handwritten letter to the Victim at the Production Office. The letter was in an envelope bearing a return address for "Chaz Rose" at an address known to be the defendant's home (the "Defendant's Home Address"). That address is also written in the letter, after the phrase, "Please Contact Me." In the letter, the defendant wrote, among other things, the following [sic throughout]:

- a. "When we met in person I was too shy to speak."
- b. "When I see your pictures, I am looking at a warm, understanding lady that has a heart and I am absolutely spellbound by your beauty, your so expressive, charming, adorable & sexy and your aged to perfection."
- c. "I know you have to be on your guard, I'm glad you are, but you don't have to be with me."
- d. "Please, I am begging and pleading with you to write me back, email or call to put my mind at ease and give my heart a rest from racing, let me know everything's alright."

e. "I pray to GOD you will talk to me and end my heartache. It's only harmless communication. I am not trying to invade your privacy. I am a father and entertainer as well. I just want to be friends with you [], I'm not after anything else. Honest!"

f. "[Another person was] saying I was a stalker simply because mentioned how I'd like to meet you while filming like so many fans have and how I wanted to find your address to request an autograph and add you to my christmas card list that's all!"

10. On or about April 16, 2009, the defendant mailed an envelope to the Victim. The return address on the envelope included the name "Chaz Rose" and the Defendant's Home Address. The envelope was addressed to the defendant at her former residential address in Brooklyn, New York, where her ex-husband currently resides. The envelope contained a photograph of the defendant and a printout of an email sent both to and from an email address registered to "Chaz Rose." The body of the email was addressed to the Victim and stated, in substance and in part, that the author was "Chaz Rose," that he and his family traveled from Pennsylvania to New York to visit the set of the Program on July 15, 2008, and February 23, 2009, that the defendant had sent a letter to the Production Office, and that a security guard had told the defendant, during one of his visits to the set, that the

Victim was afraid of the defendant and that the defendant would be arrested if he returned to the set. The email was signed by "Chaz Rose" and included the Defendant's Home Address.

11. Later in or about April 2009, the Victim was given this mailing by her ex-husband. Upon reviewing its contents, the Victim became distressed because, among other reasons, the mailing was sent to a private address that she did not know was publicly available, and where her minor children reside at times.

12. On or about January 28, 2010, the host of an Internet and cable television talk show (the "Talk Show Host") posted on YouTube, an interactive computer service, a video clip of an interview he had conducted of the Victim.

13. In and around February and March 2010, the defendant used Facebook, an interactive computer service, to communicate with the Talk Show Host. On or about March 3, 2010, the defendant asked the Talk Show Host to tell the Victim that "a romantic singer/songwriter name[d] Chaz Rose adores her" and to ask the Victim why she did not have a Facebook page.

14. On or about March 4, 2010, the defendant used Facebook to send a message to the Victim's minor daughter. The defendant used a Facebook account with the name "Cindy Momberger" to send this message, but signed the message, "Miranda S." In the message, the defendant wrote, in substance and in part, that a "fantastic Music artist named Chaz Rose" had met the Victim,

that a security guard was rude to "Chaz Rose" and his wife and daughters, that "Chaz Rose" is a "serious fan" of the Victim and "a harmless romantic who wrote songs over her" and not "some dangerous stalker," and that "Chaz Rose" complained to the studio about his experience with the security guard.

15. On or about March 4, 2010, the Victim's daughter called the Victim and, while crying, informed the Victim of the message she had just received. The Victim's daughter and ex-husband then deactivated the Victim's daughter's Facebook page. They later observed that the picture associated with the "Cindy Momberger" Facebook page had been changed to a photograph of the Victim's daughter with a hand-drawn cockroach on her face and the phrase "I'm ugly!" handwritten in a bubble next to her mouth.

16. In or around March 2010, the "Cindy Momberger" Facebook account was also used to send messages to the Victim's brother, who shares the Victim's last name. Previously, in or around and between May 2009 and September 2009, the defendant had contacted the Victim's brother using the "Chaz Rose" Facebook account. After "Cindy Momberger" and the Victim's brother exchanged Facebook messages, the picture associated with the "Cindy Momberger" Facebook account was changed to a photograph of the Victim's brother with a hand-drawn penis superimposed on it.

17. Based on my training and experience and my investigation of this case, there is probable cause to believe

that the defendant was the user of the "Cindy Momberger" Facebook account that was used as described in Paragraphs 15 and 16 of this Affidavit.

18. On or about March 5, 2010, the Talk Show Host again interviewed the Victim. He told her, among other things, that her fan "Chaz Rose" wanted to know why she did not have a Facebook account. Upon hearing the name "Chaz Rose," the Victim immediately became distressed and stopped the interview.

19. On or about March 24, 2010, a detective from the New York City Police Department arrested the defendant at the Defendant's Home Address. The detective informed the defendant that he was under arrest for stalking the Victim. The defendant then stated, in substance and in part, that he had met the Victim twice, including on February 23, 2009, that he had his picture taken with her, that a security guard was mean to him and his family, that he had sent letters to the Victim at the Production Office, and that he used a website to determine where the Victim would be filming the Program.

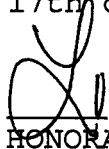
20. The defendant's course of conduct, which included his knowing use of the mail and interactive computer services, has caused substantial emotional distress to the Victim.

WHEREFORE, your deponent respectfully requests that the defendant CHARLES NAGEL, also known as "Chaz Rose," "Cindy Momberger," "Miranda S." and "Angela Paterson," be dealt with according to law.



CARI J. ROBINS  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
17th day of June, 2010



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HONOR  
UNITEL  
EASTER

JUDGE  
RK